IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4023 OF 2006

IN

APPEAL NO. 798 OF 2006

IN

SUMMONS FOR JUDGMENT NO. 157 OF 2006

IN

SUMMARY SUIT NO. 521 OF 2006

M/s. Sunchem Industries. ..... Appellant.

Versus

M/s. Nova Chemicals... ..... Respondent.

Mr.S.S.Dube for the Applicant / Appellant.

Mr. D.B.Patil for the Respondent.

CORAM : R. M. LODHA, and
S. A. BOBDE, JJ.

DATED : 15TH DECEMBER, 2006.

P.C.:

We heard the Counsel for the parties.

2. The Counsel for the appellant submits that the entire decretal amount has been deposited within time as per our order dated 13th November, 2006.

3. The amount so deposited may be withdrawn by the

respondent / decree holder on furnishing a bank guarantee from any nationalised bank. The bank guarantee shall be for the amount to be withdrawn by the respondent as well as the simple interest at the rate of 8% p.a. in case the appeal is allowed and the amount so withdrawn is ordered to be restituted to the appellant. The bank guarantee shall also remain operative until disposal of appeal and for a further period of two months therefrom.

4. The notice of motion stands disposed of.

Sd/-

(R. M. LODHA, J.)

Sd/-

(S. A. BOBDE, J.)